

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

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California Office of Historic Preservation Technical Assistance Series #4

California Register of Historical Resources Questions and Answers for Local Governments

What is the relationship between the California Register and the California Environmental Quality Act (CEQA) and how does it affect how local governments implement CEQA?

The California Register serves as an authoritative guide to resources that are to be considered when there is a discretionary action subject to CEQA. However, simply because a resource is not currently listed in the California Register does not mean that it is not an historical resource and is not subject to CEQA environmental review.

Any resource that is eligible for listing in the California Register is also to be considered under CEQA. Therefore, the lead agency on a project must determine not only if the resource is listed, but also if it is eligible for listing. Unlike the process for determining eligibility under Section 106 of the National Historic Preservation Act, the State Office of Historic Preservation has no authority to make consensus determinations for the California Register for purposes of CEQA. The evaluation of resources for eligibility is solely the responsibility of the lead agency.

Properties that are designated under a local ordinance are presumed to be eligible for the California Register unless there is a preponderance of evidence to the contrary. Additionally, resources identified in an adopted local survey may be significant resources eligible for the California Register.

In making an evaluation of a resource's significance, it is recommended that lead agencies consult the implementing regulations for the California Register (CCR, Title 14, Chapter 11.5, Section 4852) and *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation* (the California Register criteria mirror those for the National Register and this publication very thoroughly and thoughtfully covers the evaluation process).

The Office of Historic Preservation has created a handout on CEQA and Historical Resources. Additionally, two technical bulletins, *CEQA and Historical Resources* and *CEQA and Archeological Resources*, provide assistance to local governments in evaluating historical resources and project impacts. These publications can be accessed on the Internet at <http://ceres.ca.gov/ceqa>.

Please understand that the California Register does not make any resource subject to CEQA that wasn't previously covered. This new program, rather, is a tool to help local governments gain a clearer understanding of what is subject to CEQA and therefore have surety and consistency in their CEQA implementation processes.

Does the State Historical Building Code apply to resources listed in the California Register?

Yes, all resources listed in the California Register are designated historical resources for purposes of the State Historical Building Code (SHBC), and projects must be allowed to utilize the alternatives offered in the SHBC. For more information about the SHBC, please contact the State Historical Building Safety Board at (916) 445-7627.

Are local governments involved in the nomination of resources to the California Register?

If the applicant nominating a resource to the California Register is not the local government, the applicant must notify the clerk of the local government by certified mail that a nomination will be filed with the Office of Historic Preservation (OHP) and request that the local government join in the nomination and/or provide comments. This notification must include a copy of the nomination. The local government is given ninety days to comment, and its comments must be included with the nomination when it is sent to OHP. Comments from the local government are to be given full and careful consideration at the time the nomination is heard by the State Historical Resources Commission (SHRC). If a local government objects to a nomination during its comment period, the SHRC can still list the resource but must issue findings that identify the historical or cultural significance of the resource and explain why the resource was listed over the objections of the local government.

Local governments should consider proactively giving direction to their clerks, indicating to whom nominations should be sent for comment, such as a local landmarks commission, city council or county board of supervisors.

Can local governments nominate resources to the California Register?

Yes, local governments can nominate any individual resource, historic district, survey or local landmark ordinance to the California Register. For more information about nominations, please call the Office of Historic Preservation to request a nomination packet.

How can we obtain a listing of California Register resources in our city or county?

Certified Local Governments in California will receive semiannual updates to their listings. All other local governments can receive a one-time listing from the OHP and thereafter should contact the Information Centers for future listings. A list of Information Centers is located in the *Instructions for Recording Historical Resources*, can be requested from OHP at the address below or can be obtained at <http://ohp.cal-parks.ca.gov>.

Where should I look for updates on the implementation of the California Register program?

Updates about the California Register will be posted on OHP's website at <http://ohp.cal-parks.ca.gov>.

Who can I contact for more information?

Contact the Information Center that serves your county or the State Office of Historic Preservation, Department of Parks and Recreation, PO Box 942896, Sacramento CA 94296-0001, voice: (916) 653-6624, fax: (916) 653-9824, email: calshpo@quiknet.com.

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